

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**LATONYA WESLEY,**

Plaintiff,

v.

**PNC BANK, et al.,**

Defendants.

**CIVIL ACTION**

**NO. 19-5052-KSM**

**ORDER**

**AND NOW**, this 11th day of December, 2020, upon consideration of Defendants PNC Bank and Suzanne Ratcliffe's Motion to Dismiss (Doc. No. 21), Plaintiff Latonya Wesley's opposition brief (Doc. No. 22), Defendants' reply brief (Doc. No. 23), Plaintiff's sur reply brief (Doc. No. 24), the parties' oral arguments on the motion, and for the reasons set forth in the Memorandum, it is hereby **ORDERED** that the Motion is **GRANTED** as follows:

1. Counts IV (retaliation claim), VI (Fair Labor Standards Act ("FLSA") and Wage Payment and Collection Act ("WPCL") claim), and VII (intentional infliction of emotional distress ("IIED") claim) are **withdrawn**.

2. Counts II and III (Title VII racial discrimination and hostile work environment claims) are **dismissed with prejudice** as to Defendant Ratcliffe.

3. Counts I, II, III, and V (racial discrimination and hostile work environment claims) are **dismissed without prejudice**.

**IT IS SO ORDERED.**

**/s/KAREN SPENCER MARSTON**

KAREN SPENCER MARSTON, J.